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26 IN THE UNITED STATES DISTRICT COURT

27 FOR THE DISTRICT OF ARIZONA

28 KELVIN D. DANIEL, et al

Plaintiffs,

v.

SWIFT TRANSPORTATION
CORPORATION,

Defendant.

Case No. 2:11-cv-01548-PHX-ROS

**PLAINTIFFS' NOTICE OF F.R.C.P.
30(B)(6) CORPORATE
DEPOSITION(S) OF DEFENDANT
SWIFT TRANSPORTATION
CORPORATION**

Assigned to: Hon. Roslyn O. Silver

TO: John F. Lomax, Jr.
Brian J. Foster
Joseph A. Kroeger
SNELL & WILMER

One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202

You are hereby notified that, pursuant to Federal Rule of Civil Procedure 30(b)(6),
counsel for Plaintiffs hereby notices the deposition of Defendant Swift Transportation
Corporation as an organization on the topics detailed in Exhibit "A". Defendant Swift
Transportation Corporation shall identify the person(s) who will speak on its behalf on
each topic detailed in Exhibit "A" at least seven (7) days before the deposition. Such
deposition will be recorded by stenographic means by a court reporter duly authorized to
administer oaths. The taking of said deposition may be adjourned or continued from day
to day until completed. The taking of said deposition may occur over several days if more
than one person is necessary to provide the information requested. This will occur without
further notice other than oral notice to counsel at the time of such adjournment or
continuance.

17 DATE AND TIME OF DEPOSITION: September 10th, 2012 at 11 A.M. EST

18 LOCATION: Snell & Wilmer, LLP
19 One Arizona Center
20 400 East Van Buren Street
21 Suite 1900
Phoenix, Arizona 85004

22 Any and all of said deposition testimony may be offered into evidence at the trial
23 of the above-entitled and numbered cause.

DATED this 30th day of August, 2012

STUMPHAUZER, O'TOOLE, McLAUGHLIN,
McGLAMERY & LOUGHMAN CO., LPA

By: /s/ Matthew A. Dooley
Matthew A. Dooley

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10 *Counsel for Plaintiffs*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 30, 2012, I electronically transmitted the above and
3 foregoing to the Clerk's Office using the ECF System for filing, and furnished a copy by
4 other means, as necessary pursuant to the Notice of Electronic Filing, to:

5 Stanley Lubin
6 Lubin & Enoch PC
7 349 N 4th Ave
Phoenix, AZ 85003

8 Leonard Anthony Bennett
Susan Mary Rotkis
9 Consumer Litigation Associates PC
763 J. Clyde Morris Blvd. 1-A
10 Newport News, VA 23601

11 John F. Lomax, Jr.
Brian J. Foster
12 Joseph A. Kroeger
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13 One Arizona Center
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14 Phoenix, AZ 85004-2202

15 _____
16 s/ Matthew A. Dooley
Matthew A. Dooley
17 *Counsel for Plaintiffs*

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EXHIBIT "A"

1. The number of applicants who applied to Swift electronically, by phone, or by facsimile each calendar year from 2006 through 2012.
 2. The identity of applicants who applied to you electronically, by phone or by facsimile and about whom Swift obtained a consumer report for employment purposes between 2006 and the present.
 3. The number of applicants who were denied employment by you based in whole or in part on information contained in a consumer report each calendar year from 2006 through 2012.
 4. The identity of applicants who were denied employment by you based in whole or in part on information contained in a consumer report between 2006 and the present.
 5. Swift's policy for notifying consumers who applied to Swift electronically, by phone, or by facsimile between 2006 and the present of the information required by 15 § U.S.C. 1681b(b)(2)(B).
 6. Your technological and record-keeping ability to determine class membership for each class alleged in the First Amended Complaint (and for variations of these alleged class definitions).
 7. Swift's policy for notifying consumers who applied to Swift electronically, by phone, or by facsimile for each calendar year from 2006 through 2012, and who were denied employment based in whole or in part on a consumer report, of the information required by 15 U.S.C. § 1681b(b)(3)(B)(i).
 8. Swift's policy of complying with the provisions of 15 U.S.C. § 1681b(b)(3)(B)(ii) for each calendar year from 2006 through 2012.

- 1 9. The identity of applicants who requested from Swift, a copy of their consumer report used
2 by Swift for employment purposes for each calendar year from 2006 through 2012.
- 3 10. All fact evidence in your possession or control which supports or may support your claim
4 that there are differences between putative class members that would be material to the
5 merits of the Plaintiffs' claims.
- 6 11. All fact evidence in your possession or control that supports or may support your claim
7 that there are differences between putative class members that would be material to class
8 certification.
- 9 12. All fact testimony previously provided in this case by any of your employees that you
10 contend was inaccurate or incorrect.
- 11 13. The substance of any and all communications you have had with HireRight, Inc. or
12 HireRight Solutions, Inc., or any of their agents, regarding this case or the allegations and
13 facts alleged therein.
- 14 14. All fact evidence in your possession or control that supports or may support your claim
15 that any of the Named Plaintiffs or their counsel are not adequate representatives for the
16 putative classes.
- 17 15. All fact evidence in your possession or control that supports or may support your claim
18 that individual issues in this case would predominate over classwide issues such to
19 preclude class certification.
- 20 16. All fact evidence in your possession or control which supports or may support your claim
21 that any of the putative class members in this case would lose actual damages caused by
22 your violation(s) of the FCRA if the case proceeded on a class basis and sought only
23 statutory and punitive damages.
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